

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TOMMY LEE CROW JR.,

Petitioner,

V.

HAYES,

Respondent.

CASE NO. 3:16-CV-05277-RJB-JRC

ORDER GRANTING EXTENSION

The District Court referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction pursuant to 28 U.S.C. § 2254.

Before the Court is petitioner's motion for an extension. Dkt. 6. Petitioner seeks an extension until June 20, 2016, to file his amended petition. *Id.* Petitioner states that he has been transferred between correctional facilities and has no access to the law library. *Id.*

The Court finds that the request is reasonable and, therefore, petitioner's motion for extension (Dkt. 6) is granted. Petitioner is advised that the amended petition and memorandum will operate as a complete substitute for (rather than a mere supplement to) the original petition (Dkt. 1) and memorandum (Dkt. 2). In other words, an amended petition replaces the original in

1 its entirety, making the original as if it never existed. Reference to a prior pleading or another
2 document is unacceptable – once petitioner files an amended petition, the original petition and
3 memorandum of law will no longer serve any function in this case.

4 Petitioner shall file his amended petition on or before June 20, 2016. If petitioner fails to
5 submit an amended petition by June 20, 2016, the Court will recommend dismissal of this action
6 for failure to prosecute this matter and the Court will recommend dismissal of this matter.

7 Dated this 24th day of May, 2016.

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10 J. Richard Creatura
11 United States Magistrate Judge

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